

REMARKS

Claims 18 – 34 are pending in the application and are presented for a first substantive examination on the merits.

In the outstanding Office Action, claims 18 – 34 are subjected to a restriction requirement.

By this Response to Restriction Requirement, an election with traverse is made.

SUMMARY OF RESTRICTION

In the Official Action, the Examiner has required restriction to the following inventions under 35 U.S.C. §121 and 372:

- Group I: claims 18-28, drawn to a compound of general formula I and as a pharmaceutical composition;
- Group II: claims 29-32 and 34, drawn to a method of preparing a pharmaceutical compound comprising at least one compound having the following general (I); and
- Group III: claim 33, drawn to drawn to a method of at least one compound according to the general formula (I) for modulating, in vivo or in vitro, the cellular specification of the neural stem cells, to favor the differentiation and then the survival of the neurons and glial cells in differentiation, to favor the differentiation of precursor cells of oligodendrocytes in mature oligodendrocytes, and/or to reduce the activation of the microglia and/or the activation of the astrocytes and/or the reactive gliosis.

The Examiner has also required an election of species as outlined in paragraph no. 5 on pages 6-7 of the Official Action.

PROVISIONAL ELECTION

Applicants provisionally elect **GROUP I (claims 18-28) drawn to a compound of general formula I and as a pharmaceutical composition.** Applicants further provisionally elects the species for a single compound TFA12 where R1, R3, R4 and R5 are methyl groups and R2 is a hydroxyl group m=1 and n is 10. R/S is a mixture.

RESPONSE

Applicants respectfully traverse the Examiner's restriction requirement and of species election, and the statement that the species are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants submit that the instant subject matter meets the requirements of PCT Rule 13.1.

Specifically, the compounds of US 2002/0006954 A1 (the '954 publication) are different from the instantly claimed compounds. The present subject matter is concerned with tocopherol fatty alcohols (TFA) rather than with tocopherols as taught by the '954 publication. The Examiner has assumed that gamma tocopherol is one of the compounds of formula I as instantly claimed, which Applicants respectfully submit is not correct.

Accordingly, the instant subject matter makes a contribution over the prior art, and the requirements of unity of invention have been fulfilled.

CONCLUSION


If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,

THE NATH LAW GROUP

Date: July 22, 2009

THE NATH LAW GROUP
112 S. West Street
Alexandria, Virginia 22314
Tel: (703) 548-6284
Fax: (703) 683-8396



Gary M. Nath
Reg. No. 26,965
Tanya E. Harkins
Reg. No. 52,993

Customer No. 20529